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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,693	12/21/1999	JOE LYNAM	DARY.00015-(	2698

7590 05/04/2004

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
12400 Wilshire Boulevard  
7th Floor  
Los Angeles, CA 90025

EXAMINER
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CHILCOT, RICHARD E

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/467,693

Applicant(s)

LYNAM ET AL.

Examin r

Richard E. Chilcot, Jr.

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ML

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Mansey et al.

Mansey et al. teach a system for accessing a network comprising an access station (14) which links an electronic terminal via a first communication link and establishes an account based upon an identifier established by the station and transmits connection information back to the electronic device for use in a second communication link (Fig. 2). Mansey et al. also teach the access station associates the access time with the account for billing purposes (col. 2, lines 9-26).

### ***Response to Arguments***

With respect to applicants' argument that the reference does not teach "the access station establish an account based upon the identifier", the examiner is of another opinion. As can be seen in col. 3 of Mansey et al. Mansey et al. teach The APIs sequence consists of opening the billing process, populating the billing elements with the appropriate billing information, such as the date of the transaction, connect time of the transaction, disconnect time of the transaction, originating telephone number, the terminating telephone number or numbers, type of service, billing type, billing rates, and

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cumulative charge amount. The billing server 22 provides the appropriate billing data on a per transaction per subscriber basis. The billing can be designed on a time duration of usage or a per usage basis. Once the API closes the billing process for a given service transaction, the raw billing data is composed into an acceptable format and sent to the billing computer system 28 for the network serve provider. It is clear Mansey et al. teach establishing account (billing data) based upon the identifier (telephone number).

With respect to applicants' comments the reference fails to teach "second communication link...initiated between the electronic terminal and the service provider", the examiner respectfully disagrees. Mansey et al. teach in Fig . 2 and col. 3, beginning in line 55 through col. 4, line 65. teach such a feature. In particular, col. 4, beginning in line 58, "it is also understood that a peripheral also may join the conference call via an audio connection through the Internet 30. In this case, the person accesses the intelligent peripheral 14 via a personal computer 32 connected through the Internet 30 to the IP web server 26. The person then selects the hyperlink displayed on the web server's home page for joining a conference call and the personal computer 32 accessing the web server 26 then will receive a query to enter the pass code for the call to be joined. Thereafter, the ATM switch 16 between the switching fabric 18, which handles the telephone calls of the conference, and the web server 26 establishes a voice path. A peripheral connected via the Internet 30 is treated in the same manner as a call peripheral via the telephone and the PSTN 10. Such an Internet connection will have a specified billing rate per interval of connect time (\$0.50 US per minute)."

It is clear the joining of the conference call is a second communication link.

With respect to applicants' argument the reference fails to teach the service provider "monitors a time...and transmits data indicative of said time to the access station", the examiner is of another opinion. Applicants' attention is invited to col. 5 of Mansey et al., "In order to monitor the status of the conference call in real-time, the host caller or anyone else can access the intelligent peripheral 14 via the Internet and web server 26. Upon selecting hyperlink for call monitoring on the web server's home page, the accessing personal computer 32 or 33 will receive a query to enter the pass code for the call to be monitored. In response to receiving a valid pass code, the intelligent peripheral 14 begins sending the conference call status information to that personal computer 32 or 33 for the web browser to display.". It is clear that from this section that Mansey et al. clearly teach such a feature.

Concerning applicants statements regarding the reference failing to disclose an ISP connection, it is quite necessary that an ISP provider is present in Mansey et al. since there is an Internet connection.

### ***Conclusion***

This is a RCE of applicant's earlier Application No. 09/467,693. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard E. Chilcot, Jr. whose telephone number is 703-305-4716. The examiner can normally be reached on 5/4/9 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Richard E. Chilcot, Jr.  
Primary Examiner  
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